

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION No 6650 of 1987

with

SPECIAL CIVIL APPLICATION No 891 of 1988

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the Judgment ?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the Judgment ?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

RAMJI PUNJAJI THAKORE
VERSUS
STATE OF GUJARAT

Appearance: (In both the special civil applications)

MS SUMAN KHARE for the Petitioners
MR SK PATEL for the Respondents

CORAM : MR JUSTICE S.K. KESHOTE
Date of Decision : 06/10/1999

ORAL JUDGMENT

1. As in both these matters, identical issue has been raised for the consideration of this court, the same are being taken up for final hearing together and are being disposed of by this common judgment.

2. All the petitioners in these two petitions admittedly were taken in the employment of the respondent as daily wagers much earlier to 17th October, 1988. By these special civil applications, the petitioners prayed for issuance of directions to the respondents to regularise their services and to give them all the benefits which are being given to regular and permanent employees of the category to which they belong. In both these special civil applications on the prayer of the petitioners, this court has granted twofold interim reliefs. Firstly, the respondents were restrained from terminating the services of the petitioners except in accordance with law and secondly, the respondents were directed to pay to the petitioners minimum pay in the time-scale applicable to them. Under this order of the court, the petitioners are continued in service as well as they are getting the minimum of the time-scale of the post concerned.

3. In special civil application No.891/88, the petitioner filed civil application No.1334 of 1998 and prayed for direction to the respondent- authorities to extend to the applicants the benefits as have been resolved by the Government of Gujarat vide its resolution No.WCE/1588/(5)(1) G-2 dated 17th October, 1988 with the specific directions that the applicants be given the benefits of the holidays on which the department remains closed, should be paid the festival advance and food grain advance and should be released of the yearly increments as also the annual leave and medical leave as those are entitled by the applicants according to Government resolution aforesaid. On this civil application, this court has not considered it to be appropriate to give such directions by way of interim relief.

4. I had an occasion to deal with this resolution in some other matters earlier. From this resolution I find that the Government has taken a decision to give the benefits of regular pay scale etc. to those daily wagers who were in service on or before 17th October, 1988. I find sufficient justification in the contention of the learned counsel for the petitioners that the petitioners' cases have to be considered with reference

to the resolution aforesaid for giving them the benefits as provided under it.

5. In the result, these special civil applications succeed and the same are allowed and the respondents are directed to consider the cases of the petitioners to give them the benefits as provided under the resolution aforesaid within a period of three months from the date of receipt of writ of this judgment and if they are found eligible for those benefits, the same may be given to them from the date from which it is made applicable to such category of employees. Where in case the petitioners are not found entitled for the benefits as provided under the resolution aforesaid, a reasoned order may be passed and copy of the same may be sent to the petitioners by registered post A.D.. Rule is made absolute in the aforesaid terms. It is a case where these daily wagers have to come to this court and as the litigation before this court costs heavily, I consider it to be a fit case that the petitioners should be awarded costs. The respondent No.1 is directed to pay Rs.2000/as costs in each case to the petitioners.

zgs/-